

Remarks

A telephonic interview was conducted today with Examiner Hogan and Primary Examiner Dinh Nguyen. No agreement was reached regarding allowability. However, the Examiners suggested that applicants file a Request for Reconsideration.

In the final Office Action dated December 21, 2010, claims 22-25, 29, 35, 43, 46, 54-56 and 63-67 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,962,885 to Coffee; claims 26, 27, 37, 56, 60 and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '885 patent; claims 46, 54 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '885 patent in view of U.S. Patent No. 6,684,879 to Coffee; claims 28, 36, 49-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '879 patent in view of U.S. Patent No. 5,655,517 to Coffee; claim 57 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the '879 patent in view of U.S. Patent No. 4,095,596 to Grayson; and claims 58, 59 and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '885 patent in view of U.S. Patent No. 6,602,475 to Chiao.

The Office Action alleges that the '885 patent teaches the subject matter of independent claims 22 and 25.

The '885 patent illustrates in Fig. 2 a spray device where capillary tubes 9 are coupled to a high magnitude potential terminal. Further illustrated is a metal ring 13 having needles 15 coupled to ground via a resistor. Ions are induced at the needles 15 by the spray, see column 3, lines 13-18. It is believed that the ions are not generated immediately with spraying, but, instead, are generated some time after spraying is started. Until the ions are generated, it is believed that some of the droplets will be attracted to the ring 13, causing wetting of the ring 13, which is not desirable.

In contrast, in the present invention, the outlet 7A is coupled through a resistor to a first low magnitude potential while the discharge electrodes 9 are coupled directly to a second higher magnitude potential. Ions are not induced by droplets generated by the outlet 7A. Further, the ions are generated before dispersion occurs. Hence, the wetting problem of the '885 patent is avoided.

Claim 22, as amended, recites:

An aroma dispensing device, comprising:
means for supplying liquid to an electrically conductive outlet;
an electrical discharge means;
means for coupling said outlet to a first potential representing a first low magnitude potential and for directly coupling said electrical discharge means to a second, different, higher magnitude potential for causing an electric field to be generated at said outlet to produce a dispersion of aroma-providing droplets from liquid issuing from the outlet and for producing at said electrical discharge means ions to at least partially electrically discharge the dispersion, wherein said outlet is coupled to said first potential via a resistance.

Remaining independent claim 25, as amended, recites:

An aroma dispensing device, comprising:
means for supplying liquid to an outlet;
an electrical discharge means;
means for coupling said outlet to a first potential representing electrical earth and for directly coupling said electrical discharge means to a second, different potential for causing an electric field to be generated at said outlet to generate a dispersion of aroma-providing droplets using liquid issuing from the outlet and for producing at said electrical discharge means ions to at least partially electrically discharge the dispersion, wherein said outlet is coupled to said first potential via a resistance.

It is believed that by coupling the discharge means directly to a higher magnitude potential, as recited in claim 22, or to a different potential from earth, as recited in claim 25, ions are produced before dispersion occurs, which is in contrast to how the device in the '885 patent is believed to operate.

It is believed that U.S. Patent No. 6,684,879 to Coffee et al.; U.S. Patent No. 5,655,517 to Coffee; U.S. Patent No. 4,095,596 to Grayson; and/or U.S. Patent No. 6,602,475 to Chiao, when taken in combination with the '885 patent, fail to disclose the claimed subject matter.

Accordingly, claims 22-29, 35-37, 43, 46 and 49-67 define patentably over the applied prior art.

Docket: 13871US/BAT018PA
U.S. Serial No. 10/539,487

In view of the above remarks, applicants submit that claims 22-29, 35-37, 43, 46 and 49-67 define patentably over the prior art. Early notification of allowable subject matter is respectfully requested.

Respectfully submitted,
STEVENS & SHOWALTER, L.L.P.

By: /Robert L. Showalter/

Robert L. Showalter
Reg. No. 33,579

7019 Corporate Way
Dayton, OH 45459-4238
Telephone: 937-438-6848
Fax: 937-438-2124
Email: rshowalter@sspatlaw.com

Date: March 21, 2011